

ABELMAN, FRAYNE & SCHWAB  
Lawrence E. Abelman (LA 6486)  
Jeffrey A. Schwab (JS 9592)  
Anthony A. Coppola (AC 3548)  
150 East 42<sup>nd</sup> Street  
New York, NY 10017  
(212) 949-9022  
Attorneys for Plaintiff  
KOON CHUN HING KEE SOY &  
SAUCE FACTORY, LTD.

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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KOON CHUN HING KEE SOY & SAUCE :	:	
FACTORY, LTD., a company organized :	:	
under the laws of Hong Kong :	:	
	:	
<i>Plaintiff,</i>	:	
	:	
-against-	:	04 Civ. 2293 (JG)
	:	
	:	
STAR MARK MANAGEMENT, INC., a :	:	
New York corporation; GREAT MARK :	:	
CORPORATION, a New York corporation: :	:	
Jimmy Zhan, a individual (a.k.a Yi Q. Zhan);:	:	
and JOHN DOES 1 through 10 :	:	
	:	
<i>Defendants.</i>	:	
<hr/>		X

**DECLARATION OF WAYNE J. GU IN SUPPORT  
OF PLAINTIFF'S MOTION FOR AN ORDER COMPELLING DEFENDANTS TO  
RESPOND TO INTERROGATORIES AND PROVIDE CERTAIN DOCUMENTS**

I, Wayne J. Gu, declare and say:

1. I am an associate in the law firm of Abelman, Frayne & Schwab counsel for plaintiff, Koon Chun Hing Kee Soy & Sauce Factory, Limited, in this matter.
2. I submit this declaration in support of plaintiff's Motion for an Order Compelling Defendants to Respond to Interrogatories and Provide Certain Documents.
3. The purpose of this declaration is to provide the Court with certain facts and documents relevant to this matter.

4. On June 14, 2004 a seizure of counterfeit goods are related documents was conducted upon defendants' warehouse located at 1101 Metropolitan Avenue in Brooklyn, New York.

5. Among the documents seized were a number of memoranda and invoices drafted in the Mandarin Chinese.

6. As I was born and educated in China until I left for the United States in 1985 at the age of 27, I am fluent in speaking, reading and writing in Mandarin and Cantonese Chinese and was asked by the other attorneys in this law firm working on this matter to inspect the Chinese documents and translate certain of those documents which I believed to be of import.

8. Included among the documents seized was a memorandum written in Chinese written on the letterhead of Star Mark Management, Inc. A copy of this memorandum is annexed as Exhibit 1 hereto.

9. A copy of my translation of the contents of this memorandum is annexed hereto as Exhibit 2.

10. The document in question, written on Star Mark letterhead, was dated January 15, 2003, was addressed to an individual named Mr. He Lin of the Guang Dong Xing Hua Food Product Factory, and was signed by an individual named Zhan Yi Qiang – which translates to Jimmy Zhan.

11. It is my understanding that Mr. Zhan is the President and General Manager of the corporate defendants in this case.

12. Of particular interest was a section of the memorandum which states, “[O]n the Koon Chun Hoisin sauce shipment arrived in this shipment, \$15.75 is a little bit too expensive. If you can make the price better, you can arrange for me to ship another 3,000 to 5,000 boxes before March. The taste must be made similar, it would be best if the boxes can be made harder, if you can print the “nutritious composition list” that would be best!”

13. This is an accurate translation of the contents of the documents annexed hereto as Exhibit 1 to the best of my knowledge and belief.

14. I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 24, 2005  
New York, New York

  
\_\_\_\_\_  
WAYNE J. GU

## EXHIBIT 1



美國家樂食品進出口公司  
STAR MARK MANAGEMENT INC.

1101 Metropolitan Ave., Brooklyn, NY 11211 • Tel: 718-486-0188 Fax: 718-486-3717

廣東興華食品廠

Attn: 阿林先生 / 才办送廠中

這好! 剛才接的貨品和陳紅的貨一起出. 希  
望能盡快出. 趕快越好!

另外, 你來紐約時, 可否把已到貨或將要出貨的  
貨品照也帶來, 以便我方查銷.

這波到的羅珍海鮮醬, \$15.25 略為貴一點.  
如能做得價錢更好些的話, 可在三月份之前幫  
我安排 3000~5000 箱運來, 味道是要潔,  
紙箱最再做硬一些. 能印上“營養成份表”就  
更好!

另外, 今年的花生是否還做? 配額報  
關的時間又要到了! 候復

祝 新年萬福. 財源滾滾!  
廖銘鴻 1/5/03

## EXHIBIT 2

America Jia Le Food Import & Export Co.  
Star Mark Management Inc.

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1101 Metropolitan Ave., Brooklyn, NY 11211 • Tel: 718-486-0188 Fax: 718-486-3717

Guangdong Xing Hua Food Product Factory.

Attn: Mr. He Lin / Copied to Mr. Kuang

How are you! Ship the merchandise just faxed together with Chen Hong's merchandise. Hope the merchandise can be shipped as soon as possible. The sooner, the better!

Also, when you come to New York, can you bring the pictures of the furniture that has arrived or is to be shipped to facilitate our sales.

The Koon Chun Hoi Sin sauce that has arrived, \$15.75 is a bit expensive. If the price can be better, help me arrange a shipment of 3000 – 5000 cases before March. The taste must be similar. It will be good if the paper box can be made harder. It will be better if the “nutrition facts table” can be printed on it!

Also, are peanuts to be sold this year? It is about time to report quotas to the Customs! Await reply.

Wish

Good fortune in New Year, Wealth flooding in.

Zhan Yi Qiang January 15, 2003